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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/670,001	09/24/2003	Kenneth James Park	SLA.1277	6228
55376	7590	04/19/2007		
ROBERT D. VARITZ 4915 S.E. 33RD PLACE PORTLAND, OR 97202			EXAMINER JACKSON, BLANE J	
			ART UNIT	PAPER NUMBER
			2618	
SHORTENED STATUTORY PERIOD OF RESPONSE		MAIL DATE	DELIVERY MODE	
3 MONTHS		04/19/2007	PAPER	

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/670,001

Applicant(s)

PARK ET AL.

Examiner

Blane J. Jackson

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 February 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application
- ☐ Other: _____

DETAILED ACTION

Response to Arguments

The applicant's amendment to the claims, filed 27 February 2007 have resolved the issue of the previously cited 35 U.S.C. 112 rejection and makes clear the claimed roles of a separate (graphic presentation) device and a mobile communication device (MCD). Claim 1 indicates it is a separate device that provides data in a computer readable form to the optical data capture mechanism of the mobile communication device. Claim 1 then relates the mobile communication device provides the method steps of reading the data, determining by the interpretation algorithm if the data can be stored in a single graphics file, converting data to a graphic representation and storing the graphic representation. However, the sequence of method steps presented in figure 1 and discussed in the Specification, page 4, line 6 to page 5, line 13 indicates the updated data is prepared in computer readable form, determined if the data can be stored in a single update file, converts data into a single or multiple graphic files and presents the graphic to be read by a separate device, **not** the mobile communication device. The mobile communication device does not appear to determine, by the interpretation algorithm, if the data can be stored in a single update/graphics file or to convert the data into a single or multiple graphic files, see figure 1, since the determining and conversion steps are performed prior to the graphic being read by the MCD. The MCD does include an interpretation algorithm to convert or decode the data back to a format which is suitable for the PCD's filing system, see figure 1 and the

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Specification, page 5, lines 8-13 but there is no discussion regarding the determining and conversion steps with regard to the graphic. Consequently, this interpretation of the Specification in view of the amended claim language is the basis for the 35 U.S.C 112 to follow.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-16 are rejected under 35 U.S.C. 112, second paragraph, as failing to set forth the subject matter which applicant(s) regard as their invention. As to claims 1, 7 and 12, evidence that claims fail(s) to correspond in scope with that which applicant(s) regard as the invention can be found in the reply filed 27 February 2007. In that paper, applicant has stated "The Examiner is invited to read the Specification, page 4, line 6 through page 5, line 13 while viewing Fig. 1, which clearly supports the claim language of the previous amendment and of the instant amendment." This statement indicates that the invention is different from what is defined in the claim(s) because figure 1 clearly shows the method step of determining if the updated data can be stored in a single update file and to convert the data into a single or multiple graphic files is performed by a separate (graphic presentation) device before the graphic is read by the mobile communication device. The claims 1, 7 and 12 assign "determining, by the interpretation algorithm in the mobile communication device, if the data can be stored in a single graphics file" and "converting data to a graphic representation in the mobile

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communication device" which is contradictory to figure 1 and the discussion in the Specification, page 4 line 6 to page 5, line 13.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Blane J. Jackson whose telephone number is (571) 272-7890. The examiner can normally be reached on Monday through Thursday, 7:30 AM-6:00 PM, EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Urban can be reached on (571) 272-7899. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

